

**IDAHO CONTRACTORS BOARD**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Conference Call Minutes of 11/12/2019**

**BOARD MEMBERS PRESENT:** Rodney Underhill - Chair  
Todd B Webb  
Justin (Jessee) Rosin  
David S Shurtleff  
Michael Arrington

**BUREAU STAFF:** Kelley Packer, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Julie Eavenson, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Nicholas Krema, General Counsel  
Rob McQuade, Legal Counsel  
Kim Aksamit, Board Specialist

**OTHERS PRESENT:** Garret McClinton, Kyle Pabst and  
Rodney Memmott

The meeting was called to order at 10:00 AM MST by Rodney Underhill.

**APPROVAL OF MINUTES**

Mr. Arrington made a motion to approve the minutes of September 17, 2019. It was seconded by Mr. Webb. Motion carried.

Mr. Arrington made a motion to approve the minutes of October 8, 2019. It was seconded by Mr. Webb. Motion carried.

**EXECUTIVE SESSION**

Mr. Webb made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Mr. Arrington. The vote was: Mr. Rosin, aye; Mr. Underhill, aye; Mr. Webb, aye; and Mr. Arrington, aye. Motion carried.

Mr. Arrington made a motion to come out of executive session. It was seconded by Mr. Webb. Motion carried.

## **DISCIPLINE**

Mr. Nelson presented a Stipulation and Consent Order in case number CON-2019-71. Mr. Webb made a motion to approve the Consent Order and allow the Board chair to sign on behalf of the Board. It was seconded by Mr. Rosin. Motion carried.

## **FINAL ORDERS**

Mr. Nelson presented Findings of Fact, Conclusions of Law and Final Orders in case numbers CON-2019-40; CON-2019-63; CON-2019-68; CON-2019-69; CON-2019-70; CON-2019-80; CON-2019-97; CON-2019-98; CON-2020-17; CON-2020-18; CON-2020-19; CON-2020-20; and CON-2020-23. Mr. Webb made a motion to approve the Final Orders and allow the Board chair to sign on behalf of the Board. It was seconded by Mr. Rosin. Motion carried.

## **PAYMENT PROPOSAL**

Ms. Peel presented payment proposals for CON-2018-87; CON-2018-101; and CON-2019-96. Mr. Webb made a motion to approve the payment proposals. It was seconded by Mr. Rosin. Motion carried.

## **PROPOSED LAWS AND RULES**

Ms. Packer presented again striking the language regarding “generally accepted standard of care” from Idaho Code § 54-5215 (2) (h), which was discussed at the October 8 meeting, but no action was taken.

Mr. Arrington made a motion to accept the proposed changes to remove Idaho Code § 54-5215 (h) regarding “grossly negligent or reckless in his conduct in the performance of construction. For purposes of this chapter, conduct is grossly negligent or reckless if, when taken as a whole, it is conduct which substantially fails to meet the generally accepted standard of care in the practice of construction in Idaho.” It was seconded by Mr. Rosin. The vote was: Mr. Rosin, aye; Mr. Underhill, nay; Mr. Webb, nay; Mr. Arrington, aye; and Mr. Shurtleff, abstain. Motion failed.

## **FINANCIAL REPORT**

Ms. Eavenson gave the financial report, which indicated that the Board had a cash balance of \$58,422.95 as of September 30, 2019. Ms. Eavenson presented the five-year comparison report.

## **OLD BUSINESS**

The Board reviewed the To Do List.

Mr. Arrington made a motion to appoint Mr. Shurtleff as the Board liaison to work with legislative issues. It was seconded by Mr. Webb. Motion carried.

## **NEW BUSINESS**

### **EXECUTIVE SESSION**

Mr. Webb made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Mr. Rosin. The vote was: Mr. Rosin, aye; Mr. Underhill, aye; Mr. Webb, aye; Mr. Shurtleff, aye; and Mr. Arrington, aye. Motion carried.

Mr. Webb made a motion to come out of executive session. It was seconded by Mr. Shurtleff. Motion carried.

### **APPLICATIONS**

Mr. Webb made a motion to approve the following for registration:

COUNCIL CRAFTSMAN LLC	RCE-51755
LAKE TOWN ROOFING LLC	RCE-52618
IQ TILE LLC	RCE-52726
GM CARPENTRY LLC	RCE-52937
INTEGRITY CONSTRUCTION MANAGEMENT LLC	RCE-52939
NORTHWEST BUILDERS LLC	RCE-52976
MULTI TRADE CONSTRUCTION LLC	RCE-52994
A STROKE OF BRILLIANCE LLC	RCE-53104
SOUTH FORK PAINTING LLC	RCE-53116
BRS FIELD OPS LLC	RCE-53134
HOKLAND SAMUEL LEE	RCT-52777
MEDLEY ROBERT H	RCT-52909
MEMMOTT RODNEY SCOTT	RCT-53084
SMOLICH ROBERT M	RCT-53081

It was seconded by Mr. Shurtleff. Motion carried.

**NEXT MEETING** was scheduled for December 10, 2019 10:00 AM MST.

### **ADJOURNMENT**

Mr. Shurtleff made a motion to adjourn the meeting at 12:18 PM. It was seconded by Mr. Webb. Motion carried.

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Rodney Underhill, Chair

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Todd B Webb

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Justin (Jessee) Rosin

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David S Shurtleff

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Michael Arrington

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Kelley Packer, Bureau Chief